

Remarks

This amendment is in response to the Office Action mailed on April 5, 2007. Applicant gratefully acknowledges the indication of allowable subject matter in claims 8 and 9. In this paper, claims 1, 10, and 11 are being amended, claim 8 is being rewritten in independent form, and claims 12-18 are being added. In view of the above amendments and following remarks, Applicant respectfully requests allowance of claims 1-18.

In the Office Action, claims 10 and 11 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 10 and 11 are being amended, as suggested in the Office Action, to depend from claim 8 which provides antecedent basis for "the sliding surfaces" in claim 10 and for "the projections" in claim 11. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 10 and 11 under 35 U.S.C. 112, second paragraph.

In the Office Action, claims 1, 2, and 4-6 were rejected under 35 U.S.C. 102(b) as being anticipated by German Patent 4,338,505. The German patent discloses a bend segment formed from two guides arranged in a side by side relation. Each guide has a single groove forming a U-shape which cooperates with a chain 5 or 6 of conventional design independent of the other chain. In particular, as shown in Cut II-II of the German patent, in the conventional chain design, the hinge eyes and hinge pins are received in a single groove formed between legs 3.

Claim 1 of the present application is being amended to more clearly claim a preferred embodiment of Applicant's invention. In particular, Claim 1 is being amended to recite "each guide comprises two grooves proceeding in the longitudinal direction of the profile, so that, adjacent the guide face at the location of the guide, the profile has a substantially E-shaped cross section with a central projection located between the grooves and legs located outside the grooves on an inside bend side and an outside bend side of the projection." As noted above, each guide disclosed in the German patent has a single groove forming a U-shape, and thus does not satisfy this limitation. Claims 2 and 4-6 depend from claim 1, which as discussed above Applicant believes is allowable over the German patent. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1, 2, and 4-6 under 35 U.S.C. 102(b).

In the Office Action, claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 4,338,505 in view of Zijderveld (U.S. Pat. No. 6,085,896). Claims 3 and 4 depend from claim 1, which Applicant believes is allowable over the German patent. Zijderveld does not satisfy the deficiencies in the German patent. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 3 and 4 under 35 U.S.C. 103(a).

In the Office Action, claims 7, 10, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 4,338,505 in view of Langhans (U.S. Pat. No. 4,823,939). Claim 7 depends from claim 1, which Applicant believes is allowable over the German patent. Langhans does not satisfy the deficiencies in the German patent. Claims 10 and 11 are being amended to depend from claim 8, which has been indicated to contain allowable subject matter. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 7, 10, and 11 under 35 U.S.C. 103(a).

In the Office Action, claims 1, 2, 4-7, 10, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Damkjaer (U.S. Pat. No. 5,127,515) in view of Wallaart (U.S. Pat. No. 4,823,939). Damkjaer discloses a bend segment including a profile slide 6 engaging an upwardly facing surface 12 of a module. The engagement of the profile slide 6 with the upwardly facing surface 12 holds the module in the bend segment against outer sliding surface 2 of the bend segment. See col. 4, lines 28-39 of Damkjaer. Wallaart discloses magnets for performing the same function as the profile slide 6 disclosed in Damkjaer. See col. 1, lines 13-16 of Wallaart.

Claim 1 of the present application claims a bend segment including magnets for holding a module down in the bend segment and a guide comprising two grooves proceeding in the longitudinal direction of the profile, so that, adjacent the guide face at the location of the guide, the profile has a substantially E-shaped cross section with a central projection located between the grooves and legs located outside the grooves on an inside bend side and an outside bend side of the projection. Neither Damkjaer nor Wallaart discloses this novel combination to provide a bend segment that guides modules of a modular conveyor chain through a curve. Moreover, there is no reason to combine the magnets disclosed in Wallaart with the bend segment having a profile slide, as disclosed in Damkjaer, because the magnets in Wallaart merely duplicate the function of

the profile slide in Damkjaer. Accordingly, Applicant respectfully asserts that the proposed combination of Damkjaer and Wallaart improperly relies on impermissible hindsight reconstruction to arrive at Applicant's invention. Therefore, Applicant respectfully asserts that claim 1 of the present application is allowable over Damkjaer in view of Wallaart.

Claims 2 and 4- 7 depend from claim 1, which Applicant believes is allowable over Damkjaer in view of Wallaart. Claims 10 and 11 are being amended to depend from claim 8, which has been indicated to contain allowable subject matter. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1, 2, 4-7, 10, and 11 under 35 U.S.C. 103(a).

In the Office Action, claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Damkjaer in view of Wallaart as applied to claims 1, 2, 4-7, 10, and 11, and further in view of Zijderveld. Claim 3 depends from claim 1, which Applicant believes is allowable over Damkjaer in view of Wallaart. Zijderveld does not satisfy the deficiencies in the German patent. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 3 under 35 U.S.C. 103(a).

In the Office Action, claims 8 and 9 are objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 8 is being rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 9 depends from claim 8. Accordingly, Applicant respectfully requests the withdrawal of the objection to claims 8.

Finally, new claims 12-18 are being added. Claim 12 claims a bend segment including "at least one guide formed in the guide face for guiding the modules of a modular conveyor chain, said at least one guide including two grooves proceeding in the longitudinal direction of the profile, so that, adjacent the guide face at the location of the guide, the profile has a substantially E-shaped cross section with a central projection located between the grooves and legs located outside the grooves on an inside bend side and an outside bend side of the projection, respectively, said central projection including at least one side face that engages modules of the chain to guide the modules along the axis proceeding in the curved manner, said at least one side face facing one of the legs" A

central projection including a side face that engages modules of the chain to guide the modules along the axis proceeding in the curved manner, as claimed in new claim 12, is disclosed on page 12, lines 16-28 of Applicant's original disclosure. Applicant respectfully asserts that none of the cited references disclose or suggest a bend segment including at least one guide, as claimed in new claim 12. New claims 13-18 depend from new claim 12. Accordingly, allowance of new claims 12-18 is respectfully requested.

In view of the above remarks and amendments to the claims, Applicant respectfully requests allowance of claims 1-18. No additional fees for filing this response are believed to be due. However, if additional fees are due, including any fees for an extension of time to respond, the Commissioner is hereby authorized to charge them to deposit account no. 17-0055.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. G. Radler', written over a horizontal line.

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